

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4417-05
Bill No.: Truly Agreed to and Finally Passed CCS for HCS for SCS for SB 1086 & 1126
Subject: Cities: Weed Abatement
Type: Original
Date: May 28, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$44,865	\$44,865	\$44,865

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Sections- 67.398, 67.402, 71.285:

Officials of the **Department of Natural Resources** assume no fiscal impact to their department.

Officials of the **City of Independence** stated that this proposal would not create costs or any additional revenues, but the proposal would generate significant savings from the elimination of the need to send certified letters, and publish notices in the newspaper. Officials estimate annual savings at \$34,865. Savings from not having to publish notices would be about \$10,000 a year.

Office of State Courts Administrator officials assume no fiscal impact to the State's Courts.

The **Jefferson County Commission** assumes no fiscal impact.

Oversight assumes this proposal is enabling legislation, and provides another option for weed abatement in certain cities. Cities would have no fiscal impact unless their governing body would elect to control weeds under the provisions of this proposal. Oversight assumes cities could have property cleaned and the cost would be recoverable.

Sections- 447.620 thru 447.640:

In response to legislation which has identical language to Sections 447.620 thru 447.640, (fiscal note number 2976-01), the following entities issued the following statements:

Officials of the **Department of Economic Development- Mo. Housing Development Commission** stated that this proposal changes procedures for owners of properties that constitute a public nuisance in Jackson County and Kansas City. Officials stated that the proposal allows owners to regain possession of their property after a non-profit organization has gained temporary possession of the property for the purpose of rehabilitation. This proposal states that a court would determine whether to restore possession to the owner and the proper compensation due to the non-profit organization. The Court does not have to restore possession to the owner, if it finds that the owner does not have the capacity or resources to complete rehabilitation.

Officials assume this proposal would not fiscally impact their Commission.

Oversight assumes this proposal will not fiscally impact state or local governments in the Kansas City area.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	\$0	\$0	\$0
 <u>FISCAL IMPACT - Local Government</u>	 FY 2003 (10 Mo.)	 FY 2004	 FY 2005
 <u>Savings</u> to Certain Cities from postage and publication costs	 <u>\$44,865</u>	 <u>\$44,865</u>	 <u>\$44,865</u>

FISCAL IMPACT - Small Business

Small businesses located in the City of Independence or Excelsior Springs, that would not clean up their property, and would be in violation of certain ordinances that pertain to weed and trash nuisances, could expect to have their property cleaned and the city would require the business to pay the cost of cleanup.

DESCRIPTION

This act allows Jefferson County and cities with home rule in counties of the first classification with charter form of government to remove trash and weeds on properties that violate city ordinances. The substitute also allows the City of Excelsior Springs and Independence to order the abatement of weeds and trash within five business days after notice is sent or posted on the property. If the property is not cleaned within five days, the city may have the property cleaned and the cost of cleanup would be billed, on a special tax bill, to the owner that would be collected by the Collector along with taxes that would be assessed against the property.

Sections 447.620 thru 447.640:

The act modifies provisions related to actions for temporary possession of real property filed by non-profit organizations to rehabilitate the property. Under current law, an organization petitioning for temporary possession of abandoned property must use the property for low- or moderate-income housing. This act deletes that requirement.

DESCRIPTION (continued)

Currently, in Jackson County, such organization may seek title to the property after the expiration of the one-year period following entry of the order granting temporary possession.

This act provides that the organization may seek title after completing the rehabilitation work. The owner of the property may seek repossession of the property before the rehabilitation is completed. The court will decide whether to restore possession to the owner and, if so, how much compensation is owed by the owner to the organization for the rehabilitation work.

The act provides that the organization must file quarterly reports on its rehabilitation and use of the property. Under current law, the organization was required to file an annual report.

The owner of the property may petition the court for repossession of the property. The court must determine whether the owner is able to complete rehabilitation of the property if such work has not been completed by the organization. If the court determines that the owner is unable to complete the work, then the court shall not restore possession to the owner. If the owner is able to finish the rehabilitation or it has already been completed, then the court restore possession to the owner and determine appropriate compensation to the organization.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development- Mo. Housing Commission
Office of State Courts Administrator
Department of Natural Resources
City of Independence
Jefferson County Commission



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